

## REMARKS

Applicants submit this response to the Office Action of May 5, 2004. Applicants acknowledge the withdrawal of the previous rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 102(b). Claims 1-82 are pending, and claim 55 is allowed.

Claims 1-54 and 56-82 are rejected under 35 U.S.C. § 103(a) over Tetrahedron 26:1435-1451 (1970), as allegedly teaching a set of adjacent structural homologs of the present set of compounds. The Examiner kindly suggested an amendment to the proviso of claim 1 in order to address this ground of rejection. In order to advance the prosecution, applicants have amended claim 1, without prejudice to pursuing the subject matter in a subsequent continuation or divisional application. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-54 and 56-82 are rejected under 35 U.S.C. § 103. Without acquiescing to the rejection, the applicants have amended the proviso in claim 1 on page 5 to read: "...when R<sup>6</sup> is hydrogen, methyl, or ethyl, and R<sup>4</sup> and R<sup>5</sup> together form =O or R<sup>4</sup> is H and R<sup>5</sup> is hydroxyl, and R<sup>1</sup> is -C(O)OR<sup>9</sup>, then R<sup>2</sup> is not -OH, -OCH<sub>3</sub> or -OCH<sub>2</sub>CH<sub>3</sub>." as suggested by the Examiner in the May 5, 2004 Office Action.

Claims 56 and 57 do not depend from Claim 1 and therefore would not be affected by the above amendment to the proviso. As the examiner has not separately rejected Claims 56 and 57 based on the cited prior art, the applicants respectfully request that the rejection of Claims 56 and 57 be withdrawn.

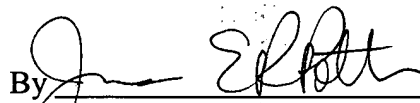
In the most recent Office Action, the Examiner noted that an Information Disclosure Statement received on March 11, 2002, contained a page of references that were not germane to the current application. While this anomalous page lists the same application serial number and filing date as the current application, the inventors and attorney docket numbers are different. The applicants have no record of filing this page with either the original Information Disclosure Statement, filed March 26, 2002, or the Supplemental Information Disclosure Statement filed August 15, 2002. The applicants would like to point out that there is a patent application bearing the serial number 10/013,828 that differs from the current serial number by one digit and relates to the same subject matter as the anomalous IDS page. Patent application no. 10/013,828 was filed on the same date as the current application and lists the same authors as the anomalous IDS page. The applicants suggest that that the anomalous IDS page contains a typographical error in

the application serial number which led to its erroneous addition to the current application file, and respectfully request that the anomalous IDS page be removed from the file.

Claim 55 is allowed, and all of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,  
Randy W. Jackson et al.  
DAVIS WRIGHT TREMAINE LLP

By   
Jane E. R. Potter  
Registration No. 33,332

2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688  
Phone: (206) 628-7650  
Facsimile: (206) 628-7699